

**BOARD BILL NO. 177 INTRODUCED BY: ALDERMAN JEFFREY BOYD**

1 An ordinance recommended by the Board of Public Service to vacate above surface, surface and  
2 sub-surface rights for vehicle, equestrian and pedestrian travel in Cockrill Street between Ella  
3 Avenue and Minerva Avenue in the City of St. Louis, Missouri, as hereinafter described, in accor-  
4 dance with Charter authority, and in conformity with Section 14 of Article XXI of the Charter and  
5 imposing certain conditions on such vacation.

6 BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

7 **SECTION ONE:** The above surface, surface and sub-surface rights of vehicle, equestrian  
8 and pedestrian travel, between the rights-of-way of:

9  
10 A 50 feet wide strip of land being Cockrill Street, 50 feet wide, between Ella and  
11 Minerva Avenues and between City Block 3842 and 3843 in the City of St. Louis,  
12 Missouri; and said strip also described as follows:

13  
14 Beginning at the intersection of the easterly line of said Cockrill  
15 Street, 50 feet wide, with the northerly line of Minerva Avenue, 60  
16 feet wide; thence along said northerly line, north 55 degrees 55  
17 minutes 09 seconds west 50.16 feet to the westerly line of said  
18 Cockrill Street; thence along said westerly line, north 29 degrees 29  
19 minutes 51 seconds east 275.85 feet to the southerly line of said Ella  
20 Avenue, 60 feet wide; thence along said southerly line, south 55  
21 degrees 55 minutes 09 seconds east 50.16 feet to the easterly line of  
22 said Cockrill Street; thence along said easterly line, south 29 degrees  
23 29 minutes 51 seconds west 275.85 feet to the point of beginning,  
24 according to survey No. 308-306 executed by Topos surveying Corp.  
25 in March, 2008. Bearings based on Plat Book 06152006 Page 449.

26  
27 are, upon the conditions hereinafter set out, vacated.  
28

29 **SECTION TWO:** Gateway Roofing LLC proposes to use the vacated area to consolidate  
30 property for security and commercial development. There is a 6" water main in Cockrill along entire  
31 length which is to be vacated. The Water Division must have a 10' wide easement with all utility  
32 rights.

Date: September 12, 2008

Page 1 of 3

Board Bill # 177

Sponsor: Alderman Jeffrey Boyd

1       **SECTION THREE:** All rights of the public in the land bearing rights-of-way traversed by  
2 the foregoing conditionally vacated street, are reserved to the City of St. Louis for the public  
3 including present and future uses of utilities, governmental service entities and franchise holders,  
4 except such rights as are specifically abandoned or released herein.

5       **SECTION FOUR:** The owners of the land may, at their election and expense remove the  
6 surface pavement of said so vacated street provided however, all utilities within the rights-of-way  
7 shall not be disturbed or impaired and such work shall be accomplished upon proper City permits.

8       **SECTION FIVE:** The City, utilities, governmental service entities and franchise holders  
9 shall have the right and access to go upon the land and occupation hereof within the rights-of-way  
10 for purposes associated with the maintenance, construction or planning of existing or future  
11 facilities, being careful not to disrupt or disturb the owners interests more than is reasonably  
12 required.

13       **SECTION SIX:** The owner(s) shall not place any improvement upon, over or in the area(s)  
14 vacated without: 1) lawful permit from the Building Division or Authorized City agency as  
15 governed by the Board of Public Service; 2) obtaining written consent of the utilities, governmental  
16 service entities and franchise holders, present or future. The written consent with the terms and  
17 conditions thereof shall be filed in writing with the Board of Public Service by each of the above  
18 agencies as needed and approved by such Board prior to construction.

19       **SECTION SEVEN:** The owners may secure the removal of all or any part of the facilities  
20 of a utility, governmental service entity or franchise holder by agreement in writing with such  
21 utilities, governmental entity or franchise holder, filed with the Board of Public Service prior to the  
22 undertaking of such removal.

23       **SECTION EIGHT:** In the event that granite curbing or cobblestones are removed within  
24 the vacated area, the Department of Streets of the City of St. Louis must be notified. Owner(s) must

Date: September 12, 2008

Page 2 of 3

Board Bill # 177

Sponsor: Alderman Jeffrey Boyd

1 have curbing cobblestones returned to the Department of Streets in good condition.

2       **SECTION NINE:** This ordinance shall be ineffective unless within three hundred sixty  
3 (360) days after its approval, or such longer time as is fixed by the Board of Public Service not to  
4 exceed three (3) days prior to the affidavit submittal date as specified in the last section of this  
5 ordinance, the owner(s) of the area to be vacated must fulfill the following monetary requirements, if  
6 applicable, as specified by the City of St. Louis Agencies listed below. All monies received will be  
7 deposited by these agencies with the Comptroller of the City of St. Louis.

8       1)    CITY WATER DIVISION to cover the full expenses of removal and/or relocation of  
9            Water facilities, if any.

10       2)   CITY TRAFFIC AND TRANSPORTATION DIVISION to cover the full expense of  
11            removal, relocation and/or purchase of all lighting facilities, if any. All street signs must  
12            be returned.

13       3)   CITY STREET DEPARTMENT to cover the full expenses required for the adjustments  
14            of the City's alley(s), sidewalk(s) and street(s) as affected by the vacated area(s) as  
15            specified in Sections Two and Eight of the Ordinance.

16       **SECTION TEN:** An affidavit stating that all of the conditions be submitted to the Director  
17 of Streets for review of compliance with conditions one year (365 days) from the date of the signing  
18 and approval of this ordinance. Once the Director of Streets has verified compliance, the affidavit  
19 will be forwarded to the Board of Public Service for acceptance. If this affidavit is not submitted  
20 within the prescribed time the ordinance will be null and void.

Date: September 12, 2008

Page 3 of 3

Board Bill # 177

Sponsor: Alderman Jeffrey Boyd